

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



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COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENT TO ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners that it intends to amend Chapter 360-2, entitled "Licensing Requirements," by amending rule 360-2-.02, entitled "Licensure." An exact copy of the proposed amendment is attached to this Notice.

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than March 23, 2006 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at matkinson@dch.state.ga.us.

A public hearing is scheduled to begin at 9:15 a.m. on Thursday, April 6, 2006 at the 40th Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on September 1, 2005 and intends to adopt the attached rules at its meeting on April 6, 2006, after the conclusion of the public hearing, at the Board Room, for the Composite State Board of Medical Examiners, 36th Floor, No. 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. § 43-34-24(c), 43-34-27 and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C. G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice.

Date:

2/9/2/06

Signed:

LaSharn Hughes
Executive Director

Composite State Board of Medical Examiners

ECONOMIC IMPACT AND SYNOPSIS FOR
AMENDMENT TO CHAPTER 360-2
LICENSING REQUIREMENTS

ECONOMIC IMPACT:

The attached rule is promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Composite State Board of Medical Examiners licenses and regulates six professions, including physicians. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee. Additionally, it is not legal or feasible to meet the objectives of the Medical Practice Act to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

Rule 360-2-.02
Licensure

Purpose

The purpose of the proposed amendments is to correct a clerical error that inadvertently deleted the proposed 360-2-.02(b)8(i), (ii) regarding the time required for completion of parts I, II and III of the COMLEX exam and 360-2-.02(c) 3 to continue to require that students of medical schools located outside of the United States or Canada, who complete clinical training or clerkships in the United States or Canada, complete such clerkships only in teaching hospitals which are accredited by the Accreditation Council for Graduate Medical Education. The purpose of proposed amendments to subparagraph 4(ii) of 360-2-.02(2)(d) is to incorporate statutory changes made to OCGA 43-34-27(a)(2) that authorize the Board to consider certification of any applicant by a member board of the American Board of Specialties as evidence of satisfaction of postgraduate medical training required for licensure.

Main Features:

The amendment restores paragraph 360-2-.02(b)8(i), (ii), which provide that parts I, II and III of the COMLEX exam must be successfully completed within a seven-year period unless the applicant is enrolled in a D.O./PhD program and that applicants enrolled in a D.O. PhD program must successfully complete parts I, II and III within a nine-year period, and paragraph 360-2-.02(c)3, which requires that medical students of schools located outside of the United States or Canada completing clinical training or clerkships in the United States or Canada do so only in teaching hospitals that are accredited by the Accreditation Council for Graduate Medical Education. The current rule 360-2-.02(c)3 will be renumbered as 360-2-.02(c)4.

The amendments to subparagraph 4(ii) of 360-2-.02(2)(d) authorize the Board to consider, for those applicants who graduated from medical schools or colleges that are not approved by the Board, an applicant's certification by a member board of the American Board of Specialties as evidence of satisfaction of postgraduate medical

training required for licensure, as provided by recent amendments to OCGA 43-34-27(a)(2).

The differences between the existing rule and the proposed amendment to the rule are shown below: (The lined-through text is proposed to be deleted and underlined text is proposed to be added.)

Licensing Requirements

Chapter 360-2

RULES
OF
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 360-2
LICENSING REQUIREMENTS

360-2-.02 Licensure

360-2-.02 Licensure.

(1) Applications for a medical license must be complete, including all required documentation, signatures and seals.

(a) The applicant must furnish the Board with evidence of good moral character on a form prescribed by the Board.

(b) Reference forms shall be valid for six (6) months from the date of signature. If the application is not approved during the six-month period, the Board may require a new and more current reference.

(2) Applicants must furnish the following evidence to be considered for licensure:

(a) Proof of one year of residence in the United States except for graduates of Canadian medical schools who are certified by the Liaison Committee on Medical Education (LCME).

(b) A passing score on one of the following examinations approved by the Board:

1. Parts I, II, and III of the United States Medical Licensing Examination (USMLE);
2. Federation Licensing Examination (FLEX taken on or before June 1, 1985). Combined scores from different FLEX administrations between January 1, 1978 and January 1, 1985 are not accepted;
3. FLEX Components I and II (FLEX taken after June 1, 1985);

4. National Board of Medical Examiners (NBME);
5. State Medical Board of Examinations taken before June 30, 1973;
6. Licentiate Medical Council of Canada (LMCC) Examination for graduates of Canadian medical schools who completed post-graduate training in Canada; or
7. National Board of Osteopathic Medical Examiners (NBOME);
8. Comprehensive Osteopathic Medical Licensing Examination (COMLEX).

(i) Parts I, II and III must be successfully completed within a seven-year period unless the applicant is enrolled in a D.O./PhD program.

(ii) Applicants enrolled in a D.O./PhD must successfully complete Parts I, II and III within a nine (9) year period.

(c) Proof of graduation from a Board-approved medical school as follows:

1. Medical schools in the United States and Canada must require a minimum of two years of pre-medical training and be approved by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association (AOA).

2. All other foreign medical schools and Fifth Pathway programs must have a program of education in the art and science of medicine leading to a medical doctor degree or the medical doctor equivalent that requires a minimum of two (2) years of pre-medical training, includes at least 130 weeks of instruction, and is approved by the World Health Organization. Applicants must have official transcripts, that include at least 130 weeks of instruction and is approved by the World Health Organization.

3. Medical schools that are located outside of the U.S. or Canada, which allow their students to complete clinical training or training in clinical clerkships in the U.S. or Canada, must require that such clerkships be completed only in teaching hospitals which are accredited by the Accreditation Council for Graduate Medical Education.

34. Applicants must have official transcripts of all medical and premedical education mailed directly to the Board from the school where such education was taken. If the transcripts are in a foreign language, applicants must furnish a certified English translation. Transcripts must include the dates the applicant attended the school and the grades received in all courses taken to fulfill the requirements of the degree granted. In the Board's discretion, the transcript requirement may be waived and the results of the Federation of State Medical Boards (FSMB) verification service may be accepted if the applicant adequately demonstrates that all diligent efforts have been made to secure transcripts from the school. In such a case, the Board may require the applicant to appear for a personal interview before the Board or the committee.

(d) Proof of post-graduate/residency training as follows:

1. This requirement does not apply to applicants who were licensed in another state on or before July 1, 1967.

2. Graduates of United States medical schools must complete post-graduate year one in a program approved by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA) or the Royal College of Physicians and Surgeons of Canada.

3. Graduates of Canadian medical schools must complete postgraduate year one in a program approved by the Accreditation Council of Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), or the Royal College of Physicians and Surgeons of Canada.

4. For graduates of all other foreign medical schools and Fifth Pathway applicants:

(i) Applicants who graduated from medical school on or before July 1, 1985 must complete one year of post-graduate training in the United States in a program approved by the Accreditation Council of Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) or one year of post-graduate training in Canada in a program approved by the Royal College of Physicians and Surgeons of Canada.

(ii) Applicants who graduated from medical school after July 1, 1985 must complete three years of post-graduate training in the United States in a program approved by the Accreditation Council of Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) or three years of post-graduate training in Canada in a program approved by the Royal College of Physicians and Surgeons of Canada. The Board may consider current certification of any applicant by a member board of the American Board of Medical Specialties as evidence that such applicant's postgraduate medical training has satisfied the requirements of this paragraph.

(e) Graduates of foreign medical schools outside of Canada must provide proof of certification by the Educational Commission for Foreign Medical Graduates (ECFMG) unless they were licensed by another state before March 1, 1958. This requirement does not apply to foreign-trained students who furnish proof of the following:

1. successful completion of AMA approved Fifth Pathway program, and

2. passing the ECFMG qualifying medical component examination with a score of 75 or above; and

(f) Verification of licensure from every state in which the applicant has held a medical license. This requirement includes verification of inactive licenses.

(3) All applications are not considered complete unless accompanied by the required application fee or other required fees. All such fees received by the Board are nonrefundable.

(4) No action will take place on applications that have been incomplete for more than a year until a new application is received in accordance with the provisions of this chapter with the appropriate application fee.

(5) The Board in its discretion may require an applicant for licensure to take and pass the Special Purposes Examination (SPEX) prepared by the Federation of State Medical Boards of the United States, or other Board-approved competency assessment. The circumstances under which the Board may require a competency examination include, but are not limited to applicants for licensure who have been the subject of disciplinary action in another state; or who would be subject to disciplinary action or corrective action in this state based upon their conduct or condition; or who have previously engaged in the practice of medicine and who have not practiced for a period greater than twenty-four (24) consecutive months.

(6) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure.

Authority O.C.G.A. Secs. 43-1-2, 43-1-4, 43-1-7, 43-1-25, 43-34-21, 43-34-24, 43-34-24.1, 43-34-26, 43-34-26.1, 43-34-27, 43-34-28, 43-34-29, 43-34-34, 43-34-35, 43-34-37, 43-34-40, 43-34-41.